


08/28/01

UTILITY PATENT APPLICATION TRANSMITTAL <small>For new nonprovisional applications under 37 CFR 1.53(b)</small>		Attorney Docket No. 212345US22CONT	Reissue <i>[initials]</i>
First Inventor or Application Identifier		FRANKS ET	
STORAGE OF MATERIALS			
Assignee Name: INHALE THERAPEUTIC SYSTEMS		Assignee Address: 150 INDUSTRIAL DRIVE, SAN CARLOS, CA 94070	
APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents</small>		ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231	
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g. PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Specification Total Sheets <input type="text" value="7"/></p> <p>3. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets <input type="text" value="0"/></p> <p>4. <input type="checkbox"/> Oath or Declaration Total Pages <input type="text" value=""/></p> <p>a. <input type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input checked="" type="checkbox"/> Copy from a prior application (37 C.F.R. §1.63(d)) (for continuation / divisional w/ box 17 completed)</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §1.63(d)(2) and 1.33(b).</small></p> <p>5. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>6. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification or Sequence Listing on:</p> <p>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</p> <p>ii. <input type="checkbox"/> Paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p>		ACCOMPANYING APPLICATION PARTS <p>7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>8. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> <p>9. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>10. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>11. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>12. <input checked="" type="checkbox"/> Preliminary Amendment</p> <p>13. <input checked="" type="checkbox"/> White Advance Serial No. Postcard</p> <p>14. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>15. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>16. <input checked="" type="checkbox"/> Other: Request for Priority Assent of Assignee From Parent Application Serial No. 09/270,791 Offer to Surrender Patent From Parent Application Serial No. 09/270,791 Reissue Application Declaration by the Assignee (4 pages) Supplemental Reissue Declaration (Attachment to amendment in parent filed April 14, 2000) (4 pages) Second Supplemental Reissue Declaration (Attachment 28 to amendment in parent filed October 10, 2000) (4 pages) List of Related Cases</p>	
<p>17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:</p> <p><input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP)</p> <p>Prior application information: Examiner: RUSSEL</p> <p>of prior reissue application no.: 09/270,791 Group Art Unit: 1653</p> <p><small>For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.</small></p>			
<p>18. Amend the specification by inserting before the first line the sentence:</p> <p><input checked="" type="checkbox"/> This application is a <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Division <input type="checkbox"/> Continuation-in-part (CIP)</p> <p>of reissue application Serial No. 09/270,791 Filed on March 17, 1999, which is a reissue of application serial No. 07/479,939, filed February 12, 1990, which issued into patent No. 5,098,893 on March 24, 1992.</p> <p><input checked="" type="checkbox"/> Which was published in English</p> <p><input type="checkbox"/> Which was not published in English</p> <p><input type="checkbox"/> This application claims priority of provisional application Serial No. Filed</p>			
19. CORRESPONDENCE ADDRESS			
 22850 (703) 413-3000 FACSIMILE: (703) 413-2220			

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Don't
enter
2-15-2002

Name:	Richard A. Neifeld	Registration No.:	35,299
Signature:	<i>[Signature]</i>	Date:	8/28/01
Name:		Registration No.:	

Docket No. 212345US22CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) FRANKS ET AL.

SERIAL NO: New Application

FILING DATE: Herewith

FOR: STORAGE OF MATERIALS

FEE TRANSMITTAL

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	28 - 20 =	8	× \$18 =	\$144.00
INDEPENDENT CLAIMS	10 - 3 =	7	× \$80 =	\$560.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS (If applicable)			+ \$270 =	\$0.00
<input type="checkbox"/> LATE FILING OF DECLARATION			+ \$130 =	\$0.00
BASIC FEE				\$710.00
TOTAL OF ABOVE CALCULATIONS				\$1,414.00
<input type="checkbox"/> REDUCTION BY 50% FOR FILING BY SMALL ENTITY				\$0.00
<input type="checkbox"/> FILING IN NON-ENGLISH LANGUAGE			+ \$130 =	\$0.00
<input type="checkbox"/> RECORDATION OF ASSIGNMENT			+ \$40 =	\$0.00
TOTAL				\$1,414.00

Please charge Deposit Account No. 15-0030 in the amount of

A duplicate copy of this sheet is enclosed.

A check in the amount of **\$1,414.00** to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030.

A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McLELLAND,
MAIER & NEUSTADT, P.C.

Richard A. Neifeld
Registration No. 35,299

Attorney of Record

Date: 8-24-01



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: FRANKS ET AL.
SERIAL NO: NEW APPLICATION
FILED: HEREWITH
FOR: STORAGE OF MATERIALS

GAU: 1653 (ANTICIPATED)
EXAMINER: RUSSEL (ANTICIPATED)

REQUEST FOR PRIORITY

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

- ☒ Full benefit of the filing date of U.S. Reissue Application Serial Number 09/270,791, filed March 17, 1999 and CPA filed on October 10, 2000, and Application Serial Number 07/479,939, filed February 12, 1990, which issued into Patent Number 5,098,893 on March 24, 1992, is claimed pursuant to the provisions of 35 U.S.C. §120.
- ☐ Full benefit of the filing date of U.S. Provisional Application Serial Number , filed , is claimed pursuant to the provisions of 35 U.S.C. §119(e).
- ☒ Applicants claim any right to priority from any earlier filed applications to which they may be entitled pursuant to the provisions of 35 U.S.C. §119, as noted below.

In the matter of the above-identified application for patent, notice is hereby given that the applicants claim as priority:

<u>COUNTRY</u>	<u>APPLICATION NUMBER</u>	<u>MONTH/DAY/YEAR</u>
United Kingdom	8903593	February 16, 1989

Certified copies of the corresponding Convention Application(s)

- ☐ are submitted herewith
- ☐ will be submitted prior to payment of the Final Fee
- ☒ were filed in prior application Serial No. 07/479,939 filed February 12, 1990.
- ☐ were submitted to the International Bureau in PCT Application Number .
Receipt of the certified copies by the International Bureau in a timely manner under PCT Rule 17.1(a) has been acknowledged as evidenced by the attached PCT/IB/304.
- ☐ (A) Application Serial No.(s) _____ were filed in prior application Serial No. _____ filed _____
(B) Application Serial No.(s)
 - ☐ are submitted herewith
 - ☐ will be submitted prior to payment of the Final Fee

Respectfully Submitted,

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